

Late Backup

BRIEFING SUMMARY SHEET

#90

DEVELOPMENT ASSESSMENT CASE NUMBER CD-2008-0007 – West Park PUD

REQUEST

Presentation of a Project Assessment Report for the West Park Planned Unit Development located at 7800 – 8022 West U S Highway 290 (except 7912 West U S Highway 290) and within Williamson Creek Watershed – Barton Springs Zone

DEPARTMENT COMMENTS

The Applicant has submitted a project assessment for a 130.80 acre project to be known as the West Park Planned Unit Development (PUD). The Applicant's PUD consists of 52.01 acres of open space, and includes a soccer complex with five playing fields and a 39,200 square foot athletic club, 120 condominiums, 360 apartment units, 200,000 square feet of general office space, 250,000 square feet of medical office space, a 365,400 square foot shopping center, a 200-room hotel, a 47,000 square foot movie theater, a transit station and the extension of West Park Boulevard through the property.

The Staff has reviewed the Applicant's PUD proposal and of the Tier One requirements, the project exceeds the open space provisions. The Applicant has also stated his intent to comply with the PUD Green Building Program at a two-star rating. However, the Applicant has not yet demonstrated how the PUD would meet the objectives of the City Code, or provide for development standards that achieve equal or greater consistency with the Code, specifically in terms of environmental regulations, including impervious cover. Additionally, the PUD Plan shows vehicular access from West U S Highway 290 through property that is not included in this application.

The Applicant's proposed PUD Plan and project description, the City's Project Assessment Report, and the Applicant's response to City's Report are attached.

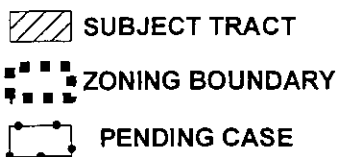
OWNER/APPLICANT Buffalo Equities, Ltd (Rudy Belton)

AGENT Clark, Thomas & Winters, P C (John M Joseph)

CITY COUNCIL BRIEFING DATE October 2, 2008

ASSIGNED STAFF Wendy Rhoades

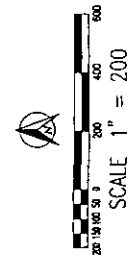
e-mail wendy.rhoades@c1.austin.tx.us



ZONING CASE# CD-2008-0007
ADDRESS 7800-8022 W US 290 HWY
(EXCEPT 7912 W US 290)
SUBJECT AREA 130 80 ACRES
GRID B19
MANAGER W RHOADES


$$1'' = 600'$$

This map has been produced by G I S Services for the sole purpose of geographic reference
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ATTACHMENT "A"

I. STATEMENT OF PURPOSE

The West Park planned unit development ordinance (No. 00130-15) was approved by the City of Austin City Council on November 30, 2000. The West Park planned unit development (the "West Park PUD") is currently comprised of approximately 119.81 acres of undeveloped property located near the "Y at Oak Hill" at the intersection of FM 1826 and US Hwy 290 West, adjacent to the Austin Community College Pinnacle Campus between the Scenic Brook neighborhood and Hwy 290. The West Park PUD is owned by Buffalo Equities, Ltd. (the "Applicant"), represented by Mr. Rudy Belton, an officer in the general partner of this entity. Buffalo Equities, Ltd., has retained Clark, Thomas & Winters, P.C., to provide legal services and Land Strategies, Inc., to provide land planning services with regard to the proposed revisions to the West Park PUD.

As approved, the West Park PUD Land Use Plan allows for (1) two Village Center Areas totaling 10.86 acres on which 70,000 sq. ft. of commercial development and 104 residential units may be constructed, (2) a Mixed-Use Residential Area comprising 45.40 acres on which 687 residential units, off-site commercial parking and civic uses may be constructed, and (3) 63.57 acres of Open Space on which civic uses totaling 1.26 acres of impervious cover may be constructed.

The West Park PUD has yet to be developed. The project was put on-hold in 2005, primarily due to the City of Austin's initiation of the Neighborhood Planning Study for Oak Hill with cooperation from the Oak Hill Association of Neighborhoods ("OHAN"). At this time, a dialogue began between the Applicant's representative, Rudy Belton, OHAN representatives David Richardson and Bruce Perrin, and City of Austin staff members Scott Whiteman, Kathleen Welder, Maureen Meredith and Mira Hahn of the Neighborhood Planning & Zoning Department. Consensus among the parties has grown from this ongoing dialogue and the drafting of the Oak Hill Combined Neighborhood Plan (the "Oak Hill Neighborhood Plan")—expected to be approved by the City of Austin City Council by October 2008—that a high-density, mixed use, walkable town center development ("Town Center") is most desirable for the "Y at Oak Hill," an area that includes the West Park PUD site. A secondary reason for the delay in development of the site is the Y in Oak Hill master planning effort initiated by Capital Metro in 2005 in furtherance of the City of Austin's Transit Oriented Development ("TOD") Ordinance, which calls for a TOD to be located at the Y in Oak Hill. During the master planning effort, which continued for over one year, the Applicant took part in many stakeholder meetings with the goal of reaching consensus on a master plan for the entire Y in Oak Hill Town Center/TOD. Unfortunately, this effort was unsuccessful and concluded in 2006.

As the neighborhood planning process for the Oak Hill Neighborhood Plan has been completed and the Leffingwell Redevelopment Ordinance enacted, the Applicant has determined that it is appropriate at this time to make revisions to the existing West Park PUD to facilitate development of the west end of the Y in Oak Hill Town Center

In early April of this year, the Applicant's legal and land planning consultants initiated meetings with Oak Hill community stakeholder groups to dialogue about the community's vision for Town Center in general and the West Park PUD site in particular. Over the course of the next ten weeks, the Applicant's consultants initiated and conducted over twenty meetings with representatives of the following Oak Hill community stakeholder groups: OHAN, the Oak Hill Business & Professionals Association, the South Windmill Run Neighborhood Association, the Scenic Brook Neighborhood Association, the Granada Hills/Estates Homeowners' Association, the Estates at Loma Vista Homeowners' Association, the Covered Bridge Homeowners' Association, the Oak Hill Youth Sports Association, the Oak Hill Trails Association, Austin Community College, the YMCA, Seton Southwest, the Seton Southwest Citizen's Advisory Council, Capital Metro and the Oak Hill Neighborhood Planning Contact Team. The proposed Land Use Plan and Concept Plan for the West Park PUD are the direct products of these informative and productive meetings with members of the local Oak Hill community.

As the development assessment for the revised West Park PUD is to be submitted to the City of Austin on Friday, June 27, 2008, the Applicant asserts that this revision will be reviewed by the City of Austin under the current Planned Unit Development Ordinance (Ord No 990225-70). Pursuant to Article II, Section 12 of the City of Austin Charter, the "new" Planned Unit Development Ordinance will not become effective until Monday, June 30, 2008, as that date follows the expiration of ten (10) days following the date of the ordinance's final passage, which was on Thursday, June 19, 2008. Nevertheless, the Applicant has sought to prepare this PUD Purpose Statement in a manner that addresses the new provisions provided in the "new" Planned Unit Development Ordinance.

II. LAND USE PLAN

As mentioned above, the current West Park PUD is designed for a mixed-use development of moderate density. The objective of the proposed revisions to the West Park PUD is to create a pedestrian-friendly, high-density mixed-use town center that incorporates the most appropriate characteristics of new-urbanist design, is easily accessible by non-vehicular means by the neighboring residents of Oak Hill and

provides much needed services, goods and community amenities. Generally, the revisions to the West Park PUD and accompanying Land Use Plan would

- Provide for an urban high-density, mixed-use concept providing opportunities to live, work, shop, dine and engage services in a pedestrian-friendly town center environment,
- Provide for hike and bike trail access to the surrounding Oak Hill neighborhoods and over one and a half miles of internal trails/paths for convenient, non-vehicular access to the open space, recreation area, community center, amphitheater, restaurants, retailers, offices, hotel and transit stop,
- Provide for a state-of-the-art bus terminal for a local circulator and express service to downtown and Austin Bergstrom International Airport with structured parking for easy pedestrian access,
- Provide for greater vehicular connectivity within the Y in Oak Hill through the extension of FM 1826 north of Highway 290 and east to the north end of the Austin Community College Pinnacle Campus, and
- Provide for enhanced revitalization of the "Y at Oak Hill."

More specifically, the revisions to the West Park PUD and accompanying Land Use Plan would

- Add approximately 10,908 acres to the West Park PUD (see attached **Exhibit B** for legal descriptions of these four (4) tracts),
- Allow for the development of the following uses and densities
 - 52 acres (39.8% gross site area) of designated open space,
 - A maximum of 52 acres (39.8% net site area) of impervious cover,
 - A minimum of 26.7 acres (20.4% gross site area) of additional open space,
 - A maximum of 250,000 square feet of medical office,
 - A maximum of 200,000 square feet of office;
 - A maximum of 330,351 square feet of retail,
 - A maximum of 38,000 square feet of cinema,
 - A maximum of 31,000 square feet of transit/retail (mix of uses is uncertain at this time),
 - One (1) hotel with a maximum of eight (8) stories and 200 guest rooms,
 - A maximum of 120 townhomes,
 - A maximum of 360 condominiums and/or apartments,
 - A maximum of 4,348 parking spaces (6 parking garages containing a maximum of 2,793 parking spaces and 1,555 surface parking spaces),
 - One (1) recreation center/community center containing up to 39,200 square feet;
 - One (1) unlit, multi-purpose recreational ball field,
 - One (1) outdoor amphitheater with a maximum seating capacity of 1,500 persons,

- 7,500 linear feet of hike/bike trails,
- 72,500 square feet of plazas, and
- 17,500 linear feet of pedestrian walkways

The uses and densities provided above are allocated among nine (9) tracts as shown in the Revised Land Use Plan, attached hereto as **Exhibit C**.

III. SITE DEVELOPMENT REGULATIONS

The Revised Site Development Regulations are provided in the chart attached hereto as **Exhibit D**

IV. DRAINAGE

The site is located within the Williamson Creek watershed in the Barton Springs contributing zone. Water quality and detention are governed by provisions of the Land Development Code, and of the Barton Springs Zone provisions of the Comprehensive Watersheds Ordinance.

A. Stormwater Detention

Approximately one-half (½) of the site drains to the north and the other one-half (½) to the southeast. Proposed detention for the northern portion of the site will consist of one (1) large wet pond that will also serve as an amenity to the site by creating a park setting for active and passive recreational uses. This new pond is in association with the existing stock pond on-site, thereby taking advantage of and enhancing existing facilities. There will likely be a need for one (1) additional small pond in the northeastern portion of the site to capture drainage from the residential tract in the northeastern portion of the site. Given the availability of open space in this area, the small pond can be located to fit into the natural landscape with minimal disturbance.

There currently exists in the northern portion of the site one (1) large detention structure within the existing 12.05-acre water quality easement (Vol. 12159, Page 1942). Upon an engineering review and design of the drainage strategy for this site, it may be determined that enhancement of the existing structure to further increase the detention storage would be desirable.

Additionally, the Applicant may propose to oversize the northern drainage structures to capture and treat volumes of water above the minimum requirement in order to

B. Floodplain

The current Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Map of the area containing this site shows that the entire site is located outside of the 500-year floodplain.

V. ENVIRONMENTAL

A. Water Quality

Conventional land development under current City of Austin ordinances requires that water quality controls capture and treat runoff based on the amount of impervious cover on a site. In the Barton Springs Zone, the Save Our Springs Ordinance requires that water quality controls prevent any increase in pollutant loads over existing conditions, for a list of specified pollutants.

The water quality control approach for this site is to incorporate wet pond and vegetative filtering as much as possible to create a more aesthetically pleasing project by minimizing or eliminating the need for structured sedimentation/filtration ponds. The large amount of open space within this site within which these water quality controls/aesthetic amenities can be located will serve to further the goal of minimizing the use of structured water quality controls.

The Applicant anticipates locating a system of bio-retention ponds in the northern portion of the site. This approach would increase the overall biodiversity of the drainage structures, thereby enriching the environmental health of the site.

In the southern portion of the site, it is anticipated that a one (1) wet pond structure will meet the water quality needs of the site. Additionally, those landscape areas throughout the site that can function as water quality vegetative filters will do so as part of the overall water quality/landscape strategy.

B. Critical Environmental Features

Horizon Environmental Services, Inc., conducted a field reconnaissance on June 19, 2001, on the existing West Park PUD. No critical environmental features were found on-site or within 150 feet from the site. Field reconnaissance has not been conducted on

those portions of the four (4) added tracts, described on the attached **Exhibit B**, located beyond 150 feet from the existing West Park PUD site

VI. WATER & WASTEWATER SERVICE

The Applicant anticipates obtaining water service for the site from the City of Austin via the existing 24-inch waterline located adjacent to the south of the site, along the north side of Highway 290 W

The Applicant obtained an approved wastewater service extension request ("SER") number 1473 for this site on May 13, 2002. At the time of SER approval, the City of Austin provided two (2) options for connection of the site to the City of Austin wastewater system: (1) through the construction of a 12-inch wastewater line that connects to an existing 36-inch wastewater line located at the intersection of Highway 71 and Highway 290 W, or (2) through construction of an 8-inch wastewater line that connects to the existing wastewater line located within the South Brook Drive right-of-way and construction of an additional 12-inch wastewater line that connects the existing wastewater line within the South Brook Drive right-of-way to an existing wastewater line located within the Oak Meadow Drive right-of-way.

VII. TRANSPORTATION

A traffic impact analysis ("TIA") for the existing West Park PUD was submitted to the City of Austin on November 27, 2000, by WHM Transportation Engineering Consultants, Inc., a copy of which is attached hereto as **Exhibit F**.

On June 27, 2008, HDR/WHM Transportation Engineering revised the existing TIA to address the proposed revisions to the West Park PUD, as copy of which is attached hereto, in two parts, as **Exhibit G**.

VIII. LAND DEVELOPMENT CODE VARIANCES

The Applicant is seeking nineteen (19) variances from current Land Development Code provisions. A comprehensive list of the variances sought and the reasoning for these variances is attached hereto as **Exhibit H**.

IX. SUPERIORITY

Pursuant to Section 25-2-144(C) of the Land Development Code, the Applicant provides the following eight (8) reasons why the development of the revised West Park PUD under the proposed site development regulations is superior to development of this site under conventional zoning and subdivision regulations

- 1 The uses proposed in this town center development are absent from and needed by the Oak Hill community. Conventional zoning does not provide for the mix of beneficial land uses that are sought by the residents of Oak Hill for this site. A master-planned community that incorporates town center concepts through the vehicle of a PUD is not only superior but necessary to achieve the land use, transportation and community benefit goals that the area landowners and residents have expressed are desired.
- 2 The proposed town center development provides a far more expansive area of open space than would be required in "parkland dedication" under conventional single family/multi-family zoning. The designated open space area included in this development totals contiguous 52 acres out of 130,795 acres of the site, with an additional 29 acres of open space located throughout the site. Parkland dedication for the single-family/multi-family portion of this development under conventional residential zoning districts would be five (5) acres per every 1,000 residents (see Land Development Code Section 25-4-212), which equals 6.72 acres of parkland, which is over 45 acres less than the 52 contiguous acres provided in this project. Note that the old Barton Creek and Williamson Creek Watershed Ordinances required a 40% downstream buffer zone and this project proposes a 40% downstream buffer zone.
3. The proposed town center development provides for a mix of compatible land uses, not allowed through the use of conventional zoning, which will afford residents within the development the opportunity to live, work, and conduct recreational activities without the need for vehicular use, thus decreasing traffic congestion within the site and the larger Y at Oak Hill area. Additionally, the extensive pedestrian connectivity within the site and with adjacent neighborhoods and campuses (i.e., ACC Pinnacle and Seton Southwest) also serve to minimize vehicular traffic within the Y at Oak Hill area.
- 4 The proposed town center development provides for the concentration of stormwater flows to the proposed water quality ponds located within the site. These ponds may be designed as an amenity to the overall project, in the form of water features.

- 5 The proposed town center development provides for the construction of an athletic center/community center to be located in the heart of the development (see Tract 7 of the Revised Land Use Plan, attached as **Exhibit C**) The Applicant is currently in discussions with the YMCA regarding a partnering in the provision of this use as an amenity for the project and surrounding Oak Hill community Conventional zoning would be site specific and defeat the flexibility afforded by the planned unit development to provide/locate these facilities in a manner desired by the Oak Hill community.
- 6 The proposed town center development provides for a transit station on West Park Boulevard, the primary thoroughfare through the site (see Tract 5 of the Revised Land Use Plan, attached as **Exhibit C**), which would provide future internal circulation for the Y at Oak Hill, connecting Austin Community College, Seton Southwest Hospital, Freescale, and AMD, as well as surrounding areas
- 7 The Applicant anticipates that the proposed town center development will establish a funding mechanism that will fund a trust fund through annual assessments paid by tenants and/or landowners within the project for the purpose of assisting in the closing of the purchase of environmentally sensitive tracts and for the funding of hike and bike trails and/or recreational areas within the Oak Hill, the requirement and funding of which is not provided for with conventional zoning
- 8 The Applicant, upon the approval of the revised West Park PUD Ordinance, will contribute funds to be used for the purpose of closing costs incurred in the acquisition of environmentally sensitive land within the Barton Creek Zone and/or over the Edwards Aquifer recharge and contributing zone Such funding is not provided for with conventional zoning.

For the reasons provided above, the Applicant finds that planned unit development zoning is necessary for the creation of the town center development desired by the residents of Oak Hill

DEVELOPMENT ASSESSMENT REVIEW COMMENTS

CASE NUMBER CD-2008-0007
CASE MANAGER WENDY RHOADES PHONE # 974-7719

REVISION # 0 UPDATE 0
PROJECT NAME WEST PARK PLANNED UNIT DEVELOPMENT

SUBMITTAL DATE 6/30/2008
DISTRIBUTION DATE 7/2/2008
REPORT DUE DATE 7/30/2008
FINAL REPORT DATE 8/20/2008
REPORT LATE 15 BUSINESS DAYS

UPDATED REPORT DATE 9/9/2008

LOCATION 7800 – 8022 West U S Highway 290 (except 7912 West U S Highway 290)

IF YOU HAVE ANY FURTHER QUESTIONS CONCERNING THE COMMENTS LISTED BELOW PLEASE CONTACT YOUR CASE MANAGER

THE FOLLOWING COMMENTS SHOULD BE ADDRESSED PRIOR TO SUBMITTING A FORMAL PLAN TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT IT IS THE RESPONSIBILITY OF THE APPLICANT OR HIS/HER AGENT TO MODIFY THE SUBDIVISION PLAN SO THAT IT COMPLIES WITH THESE REQUIREMENTS

INCORPORATED IN THE NUMBERING OF EACH COMMENT IS THE RELEVANT REVIEW SECTION FOR THESE REFERENCES, THE FOLLOWING ABBREVIATIONS APPLY

SP – SITE PLAN	CM – CAPITAL METRO
SR – SUBDIVISION	CO – COUNTY
TR – TRANSPORTATION	MD – MUD REVIEW
CN – CONSTRUCTION	PH – PHONE COMPANY
DR – DRAINAGE	PK – PARK
EG – ENGINEERING	PO – POST OFFICE
LR – LANDSCAPE REVIEW	PW – PUBLIC WORKS
AR – ARBORIST	SD – SCHOOL DISTRICT
EV – ENVIRONMENTAL	HE – HEALTH DEPARTMENT
WW – WATER AND WASTEWATER	EL – ELECTRIC
FI – FIRE DEPARTMENT	AD – TPSD – ADDRESS
HD – HIGHWAY DEPARTMENT	DG – DRAFTING

REQUIREMENTS Based on ordinances and written rules adopted by the City of Austin, Texas

Dev Assessment - Drainage Construction Kevin Shunk, P.E. 974-9176

As per section 1 2 2 of the Drainage Criteria Manual, stormwater runoff peak flow rates shall not be increased at any point of discharge from a site for the two (2), ten (10), twenty-five (25) and one hundred (100) year storm frequency events. Overcompensating for peak flow rates at one point of discharge does not allow increased rates of runoff at separate points of discharge. Consider increasing the drainage area to the proposed central wet pond by taking some of the southern area to that pond. This could benefit the pond by having additional water and benefit the southeastern pond by reducing the drainage area. This concept must comply with the Land Development Code, which requires no adverse flooding impact and preservation of the land and waterway.

As per section 25-7-61 of the Land Development Code, development will not result in additional identifiable adverse flooding on other property and to the greatest extent feasible, will preserve the natural and traditional character of the land and the waterway.

The proposed drainage concept of centralized/regional ponds is acceptable and in some cases desired. Multiple lots may have rights to use the centralized drainage facility, which could relieve the lots from on-site detention so long as the drainage system that conveys the lot's stormwater to the pond has capacity for the fully-developed 100-year peak flowrate. This concept is not a variance from section 25-7-121 of the LDC as written in the project summary.

Dev Assessment - Electric - David Lambert - 322-6109

EL 1 Austin Energy has an existing overhead electric line at the southwest corner of Tract 6. This line will have to be extended to tie to the overhead electric line along SH 290. As your plans develop we will work with you regarding the routing of this tie.

EL 2 For information regarding Green Building requirements, contact Katie Jensen at 482-5407.

EL 3 Additional easements shall be required at a later date.

EL 4 Any relocation of existing electric lines shall be at developer's expense.

Dev Assessment - Environmental - Patricia Foran - 974-3427

- 1) This site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone. The site is located within the endangered species survey area.

2) This proposed PUD is requesting exceptions to the following

- LDC 25-8-341(A) for cut up to 10 feet,
- LDC 25-8-342(A) for fill up to 10 feet,
- LDC 25-8-62 to base impervious cover on gross site area,
- LDC 25-8-281 to reduce CEF setbacks ranging from 75 to 25 feet,
- LDC 25-8-393 to allow more than 30% impervious cover in the WQTZ,
- LDC 25-8-483 to remove restrictions on development within the WQTZ,
- LDC 25-8-301 to allow construction of a roadway or driveway on slopes greater than 15%,
- LDC 25-8-302 to allow construction of a parking structure on a slope of more than 25%,
- LDC 25-8-514(A) to allow up to 40% impervious cover based on gross site area and provide off-site mitigation and on-site pollutants capture in order to meet the pollution prevention required,
- LDC 25-8-515 to allowed variances to the SOS section of the LDC,
- LDC 25-8-211 through 213 to exempt new development from on-site water quality controls

- 3) The eight items proposed to make this project “superior” do not appear to compensate adequately for the extent of environmental exceptions requested. Be prepared to provide significant additional environmental enhancements as part of the PUD zoning application.
- 4) The CEFs referenced in the proposed PUD need to be reviewed by Environmental Resource Management staff to determine if the exception request to LDC 25-8-281 is appropriate.
- 5) A detailed comparison of allowable impervious cover under current code versus under the proposed PUD will be necessary as part of the PUD zoning application.
- 6) It appears as if the applicant is requesting that the CWQZ and WQTZ associated with the creek adjacent to the tract is “disestablished” and therefore do not exist. The CWQZ and WQTZ apply at this point, this will be reviewed in further detail during the PUD application process to determine if additional exception requests are necessary. Also clarify if the exception request is to allow a maximum amount of impervious cover within the WQTZ (provide a maximum amount) or to not account for a WQTZ at all.
- 7) LDC 25-8-393 applies to a suburban watershed, not Barton Springs Zone. Please clarify in the PUD zoning application.
- 8) Clarify in the PUD zoning application if any there will be additional construction on slopes that will not meet LDC 25-8-301/302 – the application suggests there may be small pockets of slopes to be developed on.
- 9) A formal tree survey will be required for the PUD zoning application.

- 10) Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment

Dev Assessment - Fire Review - Cora Urgena - 974-0184

FR 1 The site must comply with the IFC requirements for fire department access, required fire flow, fire hydrant spacing and all other applicable codes

APPROVED WITH COMMENTS – UPDATE 0

Dev Assessment - Flood Plain Review - Todd Pankey - 974-3399

No comments about this application

Dev Assessment - Industrial Waste - John McCulloch - 972-1060

IW1 No review required at this time

Dev Assessment - PARD / Planning & Design Review - Butch Smith - 974-6763

PK1 The West Park PUD has requested a variance that would waive the Parkland Dedication Ordinance and set aside 40 acres for private open space, drainage and water quality

The Parks and Recreation Department does not support this request. The PUD Ordinance (2.4, Open Space) requires that the applicant provide open space that is 10% above the requirements of Section 2.3.1 A (Minimum Requirements) which states that the objectives of the City Code be met. Therefore, the requirements of the Parkland Dedication Ordinance must first be met, then an additional 10% of open space be dedicated. The Parkland Dedication Ordinance requires that land be dedicated to the City. Private open space is not permitted to satisfy the ordinance. Furthermore, the Parkland Dedication Ordinance gives the City the option to accept fees in lieu of land. The applicant has the option of providing private recreational facilities to secure up to 50% off their required

dedication, subject to the approval of the Parks and Recreation Department These facilities must be open to the general public

Dev Assessment - Site Plan - Donna Galati - 974-2733

- SP 1 Proposed variance #13, Parkland Dedication (25-4-211-216) This variance request requires review by the Parks Department Ordinance #2007-0621-027 calls out Standards for Dedicated Parkland in section 25-1-604 allows for credit of private parks to meet the Parkland Dedication Ordinance This credit must be reviewed by the Parks Department
- SP 2 Proposed variance #17, Site Plan Expiration (25-5-81—83) It is unclear what the proposed modification is requesting Propose an expiration date, or otherwise further explain the request This variance request may be affected by Project Duration, section 25-1-535 This variance request requires review by the City Law Dept
- SP 3 Proposed variance #18, Design Standards, Subchapter E Alternative Equivalent Compliance requests may be made formally or informally, and are reviewed on a case by case basis Staff does not support a general waiver to the Design Standards
- SP 4 Proposed variance #19, Height Limitations (25-2-1063) Buildings are already allowed within 300 feet of property zoned SF-5 Buildings within 300 feet have compatibility height requirements If a height variance is requested, explain the height limit requested, and provide an elevation drawing of proposed building(s) in relation to the property line

Dev Assessment - Subdivision - John McDonald - 974-9795

- SR 1 The proposed PUD will require a preliminary plan with final plat(s) and/or resubdivision(s) to be applied for after approval of the preliminary plan
- SR 2 Please provide documentation from the Parks and Recreation Department for waiver approval from parkland requirements

Dev Assessment - Transportation - Amber Mitchell - 974-3428

- TR1 A traffic impact analysis will be required for this PUD submittal The draft TIA provided does not include all intersections required in the scope for analysis Include the intersection of SH 71 and US Highway 290 in the analysis of the TIA to be formally submitted with the PUD

TR2 Please specify what sections of Subchapter E of 25-2 of the LDC (i.e. the Commercial Design Standards) you want relief from. Utilize Section 1.5, Alternative Equivalent Compliance, to frame your request regarding any variances from the Commercial Design Standards.

TR3 For variances to 25-8-302 and 25-8-301 staff will be looking for further information regarding specific areas on the PUD where the variance is necessary, what the existing and proposed slopes are, and what is proposed for the area.

TR4 For a variance to 25-4-151 staff will require further information on how connectivity will be achieved within the site and to the surrounding area before a recommendation can be made.

TR5 For a variance to 25-4-153 staff will not support this request unless the applicant demonstrates that there are project or geographical constraints to meeting the City's current block limit and that the project will provide adequate alternatives for vehicular and pedestrian circulation and connectivity.

Dev Assessment - Water Quality - Benny Ho - 974-3402

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION, AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY, AND ADEQUACY OF HIS/HER SUBMITTAL, WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS.

This site is located at 7800 1/2 West US 290 Highway in the Barton Springs Zone of the Williamson Creek Watershed.

WQ1 It is unlikely that the wet pond-vegetative filter strip concept can meet the SOS ordinance. Because, wet pond does not remove 100% of the pollutant as required by SOS. In order to remove 100% of the pollutant, the water quality volume discharge must be retained on site, therefore the vegetative filter strip must be sized to retain the run-off. This means the wet pond does not make contribution to the water quality benefit and the area required for vegetative filter strip will not be decreased as a result of the wet pond. Furthermore, usually wet pond because of the detention requirement, does not have a splitter box. This means 100% of the run-off must be retained by vegetative strip. This could mean not space left for development.

WQ2 Bio-retention pond also does not meet removal efficiency required by the SOS ordinance.

WQ3 Based on Variance request #10, it appears that the applicant is aware of the fact that the proposed water quality plan does not meet SOS ordinance on site. If equivalent pollutant is proposed, the area proposed to be used for equivalent capture must be identified in the PUD and must be located within the Barton Springs Zone, preferably within the Williamson Watershed.

WQ4 Variance #14 must be guarded to assure that no adverse effect may result in granting the variance. It is this reviewer's opinion that regional facility has routinely been approved without needing a variance. Waiving drainage requirement as a variance might be interpreted as allowance to compromise health and safety issues.

WQ5 Variance #15 must consider that the amenity feature of the wet pond does not decrease the functionality of the pond. It is this reviewer's opinion that the amenity required by the wet pond can be achieved through existing regulations. There should be no need for a variance.

Dev Assessment - WWW - Howard Neil Kepple - 974-3003

WW1 The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

WW2 There is a 24" water main and easements bisecting the southern portion of the proposed development. If relocation of the line is required, approval, completion and vacation of same should be done prior to platting or the plat must show the line easements.

WW3 Recommend contacting James Grabbs or Philip Jaeger with AWU/UDS to determine if a wastewater service extension request will be required.

Zoning / Land Use - Wendy Rhoades - 974-7719

- ZN 1 The West Park PUD is subject to the terms of the Ordinance #20080618-098. Please submit TCAD tax plat maps to me so that notification of a City Council briefing can occur.
- ZN 2 In the upper left corner, please provide a vicinity map with the West Park PUD boundaries identified.
- ZN 3 Please provide baseline information about the surrounding zoning districts, land use information (including subdivision names and recording information) and street names.
- ZN 4 Please describe how roadway access is planned to occur through the I-RR zoned tract that is developed with a convenience store.

- ZN 5 Regarding Variance #17, and as requested by Site Planner, please provide more detailed information about the nature of the requested modifications to Subchapter E (Design Standards)
- ZN 6 Regarding Variance #18, please provide more detailed information about the nature of the requested modifications to height limitations and setbacks The Staff does not support modification of compatibility setbacks Baseline information requested by the Staff in ZN 2 will assist in responding to this question.
- ZN 7 Does the Applicant intend to comply with the Austin Energy Green Building Program and if so, what level of Green Building Standards does the Applicant intend to utilize?
- ZN 8 Does the Applicant intend to provide an Integrated Pest Management Plan?
- ZN 9 I have sent the Development Assessment to PARD for their review and comment The Staff understands the applicant is considering a trail system Will the trails be dedicated to the public and is development of a trailhead contemplated?

UPDATE ON 9/9/2008:

- ZN 10. In preparation for a briefing to City Council on October 2, 2008, please provide documentation outlining how this PUD meets the Tier 1 requirements as set forth in Section 2.3.1.C – *Open Space*; Section 2.3.1.D – *Green Building*; 2.3.1.F – *Environmental Preservation and Protection*; and Section 2.3.1.H – *Landscaping* and Section 2.3.2.A – *Design Standards*.**

A PRELIMINARY ZONING STAFF RECOMMENDATION CANNOT BE DETERMINED AT THIS TIME BASED ON THE INFORMATION PROVIDED IN THIS APPLICATION

CLARK, THOMAS & WINTERS

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September 24, 2008

Mr. Greg Guernsey
Director
Neighborhood Planning & Zoning Department
City of Austin
P O Box 1088
Austin, TX 78767

RE. West Park PUD – CD-2008-0007

Dear Mr Guernsey

Please consider this the formal response of the Owner/Applicant to comment number ZN10 submitted by you and the Watershed Protection Development Review (WPDR) staff assigned to this case

Zoning – ZN10

Section 2 3 1 C - Open Space – Applicant has already provided the City of Austin with the open space amount 60% of the site will be open space and 80% of the open space will be contiguous

Section 2 3 1 D - Green Building – It is Applicant's intention to meet the two star PUD Green Building requirements Applicant has met with Austin Energy and will continue to coordinate with Austin Energy throughout the PUD process

Section 2 3 1 F - Environmental Preservation and Protection

Water quality – Water quality requirements will be met by detention and reirrigation The water quality volume, which is captured in a retention pond, is irrigated onto open space by pumping the water through an irrigation piping system and out to spray heads located in open space areas

Applicant also intends to provide water quality measures (e.g , vegetative filter strips) for existing development to the west of the property and the Windmill Run Park A block of single family homes, which currently have no water quality treatment, drain toward and into the property Vegetative filter strips on the property will be used and maintained by the applicant to provide water quality treatment where none currently exists

ATTACHMENT “D”

September 24, 2008

Page 2

The Haskel Subdivision plat was recorded on October 22, 1984 (Book 85, Page 28A). Based on this recording date, the impervious cover allowed on Lots 1 and 2 of Haskel Subdivision pre-dates the Comprehensive Watershed Ordinance. These two lots are, however, subject to the Williamson Creek Ordinance, which allows 65% impervious cover. Applicant intends to provide the amount of irrigation land that would be required under SOS, even though these lots are not required to provide any irrigation land, thus making the proposed PUD environmentally superior from a water quality standpoint.

Green belt – Applicant will provide 52 acres of contiguous open space, which creates a large green belt.

Air quality – Applicant will allow for a transit component and provide 4.7 miles of internal pedestrian, hike/bike trails to minimize vehicular use.

Topography – Applicant will not alter steep slopes on northwest portion of the site.

Section 23.1 H – Landscaping – This issue should be determined at the site plan stage, however, the proposed PUD will exceed the minimum landscaping requirement.

Section 23.2 A – Design Standards – This issue should be determined at the site plan stage, however, Applicant intends that the proposed PUD will meet the design standards set forth in Chapter 25-2, Subchapter of the Land Development Code.

Please let me know if you should have any questions.

Sincerely,



John M. Joseph

cc: Jerry Rusthoven, City of Austin
Wendy Rhoades, City of Austin
Paul Linehan, Land Strategies
Rudy Belton, Buffalo Equities, Ltd